

REMARKS

Claims 1-23 and 27-29 are pending. Claims 24-26 have been canceled without prejudice or disclaimer. New claims 27-29 have been added. Claims 1, 2, 4, 7, 9, 10, and 19-23 have been amended. No new matter has been added.

In the Office Action dated March 2, 2007, the Examiner noted that the listing of references in the submitted Search Report was not considered to be an Information Disclosure Statement and that the references cited in the Search Report have not been considered. Applicants will file an Information Disclosure Statement, including the PCT Search Report and the references cited therein or U.S. family members thereof, as soon as a translation of DE 340168 is completed. The reference discussed in the written description will also be included.

In the Office Action, claims 21-23 were rejected under 35 USC 112, first paragraph, as failing to comply with the written description requirement. Although the term “recovery attachment” as claimed complies with the written description requirement, Applicants have amended the claims to recite a “recovery eye” to expedite allowance of the pending claims. Claims 19 and 20 were rejected under 35 USC 112, second paragraph, as indefinite. Although not indefinite as originally presented, claims 19 and 20 have been amended to depend from claim 1 to broaden their scope and expedite allowance of the pending claims.

Claims 1-3 and 13-18 were rejected under 35 USC 102(b) as anticipated by U.S. Patent No. 6,193,273 to Novak et al. Claims 1-8, 12, and 17-20 were rejected under 35 USC 102(b) as anticipated by U.S. Patent No. 6,428,046 to Kocer et al. Claims 1, 9-11, and 24-26 were rejected under 35 USC 102(b) as anticipated by U.S. Patent No. 6,099,039 to Hine. Claims 21-23 were not rejected over the prior art of record. Applicants therefore assume that claims 21-23 are considered by the Examiner to contain allowable subject matter. Applicants respectfully traverse the rejections under section 102(b) insofar as they apply to the presently pending claims.

To anticipate a claim, a reference must teach **every element** of the claim. MPEP 2131. Claim 1 recites, *inter alia*: “A vehicle chassis comprising: two longitudinal side rails,

each of said side rails having a front end, a front portion and a central portion, and each of the front portions being arranged in use to be higher than the respective central portion; a first cross member having a length and extending in a transverse direction between the front ends of the side rails and arranged in use to be below said front ends over a substantial part of that length; a second cross member extending in a transverse direction between said central portions of the side rails; two secondary longitudinal members each extending between the first cross member and the second cross member; and two central support sections, each of which is longitudinally spaced between the first and second cross members and connects one of the side rails to an adjacent one of the secondary longitudinal members.”

Novak et al. discloses an automotive vehicle frame having a front portion 2, an intermediate portion 6, and a rear portion 4. The intermediate portion 6 includes beams 78, 80. The front portion includes transverse structural beams 40, 42 that are spaced vertically. Beams 14, 16 are secured to front strut towers 12. The Examiner alleges that Novak’s beams 78, 80 are Applicants’ claimed longitudinal side rails side rails having a central portion and a front portion, Novak’s front portion being located at about 16. The Examiner also alleges transverse beams 40, 42 are first and second cross members, respectively, extending in a transverse direction between front ends and central portions, respectively, of the longitudinal side rails. The Examiner additionally alleges that beams 14 are secondary longitudinal members connected to side rails by strut towers 12 (alleged by the Examiner to be central support sections). Further, the Examiner also implies that she considers beams 16 to be part of the “side rails.”

Regarding the Examiner’s rejection of claim 1 over Novak et al., Applicants note that transverse beams 40, 42 do not extend between Novak’s beams 78, 80 (the alleged side rails). Rather, transverse beams 40, 42 are at the very front of the vehicle frame where they extend between beams 14 and 18, respectively, which the Examiner alleges are secondary longitudinal members rather than side beams. Second, strut towers 12 are merely secured to beams 14 and 16 – they do not connect them. Third, struts 12 are not located *between* the transverse beams 40, 42, which the Examiner alleges to be the claimed first and second cross members. Fourth, Novak does not teach any portion of the

vehicle frame to be above or below other portions. Indeed, beams 14, 16, 80, and 66 are in the same horizontal plane. Because Novak et al. does not teach at least these four of the elements of claim 1, anticipation by Novak et al. has not been established.

Kocer et al. teaches a frame assembly 12 including a pair of frame rails 16 with front sections 16b, mid sections 16a, rear sections 16c, downwardly-sloping intermediate sections 16d that connect sections 16a and 16b, downwardly-sloping intermediate sections 16e that connect sections 16a and 16d, and lower control arm mounts 28. A subframe 14 includes front attachment members 24, rear attachment members 26, a front cross member 20, angled side members 22, and a rear cross member 34. As shown in Kocer et al.'s FIG. 1, the subframe 14 is meant to be located under the frame 12, with rear attachment members 26 being attached to intermediate sections 16d. Front attachment members appear to be attached to front sections 16b. Lower control arm mounts 28 are adapted to be attached to a component of suspension system 30.

Regarding the Examiner's rejection of claim 1 over Kocer et al., Applicant's note that, when subframe 14 is attached to frame assembly 12, front cross member 20 extends between front sections 16b of the frame rails 16 (which the Examiner alleges to be the claim "longitudinal side rails") and rear cross member 34 extends between intermediate sections 16d of the frame rails 16. Front cross member 20 (alleged by the Examiner to be Applicants' claimed second cross member) cannot therefore extend between central portions of the frame rails 16 and rear cross member 34 (alleged by the Examiner to be the front cross member) cannot therefore extend between front portions of the frame rails 16. The Examiner alleges that front attachment members 24 are central support sections and are longitudinally spaced between front and rear cross members 20, 34. However, front attachment members 24 are located at the front cross member 20 rather than longitudinally spaced between front and rear cross members 20, 34. Because Kocer et al. does not teach or otherwise suggest at least two elements of claim 1, anticipation by Kocer et al. has not been established.

Hine teaches a front structural subframe system 14 and a rear structural subframe system 16. Front subframe system 14, shown in FIGS. 4-7, includes a front bumper 32, side rails 34, 36, a cradle 38, and struts 40. The cradle 38 includes a right front outer

member 47, a right front inner member 48, a left front outer member 49, a left front inner member 50, cross members 51, 52, and U-shaped nodes 53, 54 connected to the ends of rails 34, 36, respectively, the nodes 53, 54 being used to connect the subframe system 14 to other portions of the vehicle body. The rear subframe, shown in FIGS. 8-10, is the same as front subframe system 14.

Regarding the Examiner's rejection of claim 1 over Hine, the bumper 32, which the Examiner alleges to be the second cross member, is not located between central portions of rails 34, 36. Rather, it is located in front of rails 34, 36. Because Hine does not teach or otherwise suggest every element of claim 1, anticipation by Hine has not been established. Applicants note that the Examiner does not explain what structure in Hine she considers to be the claimed central support section.

Because the prior art of record, taken alone or in any combination, does not teach every element of claim 1, claim 1 is not anticipated by the prior art of record. Indeed, claim 1 is allowable over the prior art of record. Claims 2-23 depend from claim 1 and are therefore allowable for at least the same reasons. The prior art similarly does not anticipate or render obvious new method claims 24-26.

If the U.S. Patent and Trademark Office determines that any additional extension of time and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 50-4126 referencing Docket No. 1008.0018-00000. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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